1917

~~1918~~

1917.

Loose)

File No. 35-14

Serial Nos. 1-5

No 1921

General and Revenue Secretariat.

A Collection

Serial Nos. Five

Manuscript **Part. B for** January 1921

SUBJECT

Amendment of the Mysore Village courts Regulation VII of 1913

Previous References File No 35-1917.
Cts 210-16 (1-5)
" 60-17-5 GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

For January 1921.

Judicial and Legislative (Legislation)

"A" Collection. Serial No 1-5.

Amendment of the Mysore Village Courts Regulation VII of 1913.

Table of contents.

Serial No	Number and date of letter and contents	Page in A Proceedings
1.	To the First Assistant to the Resident in Mysore. No POl 1151 dated 6-6-18. Forwards a copy of the Bill to amend the Mysore Village Courts Regulation, 1913 and states that the Bill will be placed before the Legislative Council.in due course.	
2.	From the First Assistant to the Resident in Mysore. No 4125 dated 12-6-18. Informs that there is no prima facie objection to the Bill being placed before the Legislative Council.	
3.	To the First Assistant to the Resident in Mysore. No Pol 14 dated 3-7-20. Forwards two copies of the Bill with a report of the Select Committee requesting sanction of the Govt. of India to pass the Bill as amended by the Select Committee into law.	
4.	From the First Assistant to the Resident in Mysore. No 6994 dated 12-8-20. States that the Governor General in Council has consented to the Bill.	
5.	To the Compiler, Mysore Gazette. No G 13512 dated 14-1-21. Publishes the Regln. as Regulation No IX of 1920.	

T V R.

191 7

GENERAL AND REVENUE SECRETARIAT.

NOTES.

File No. 3521

FILE HEADING. Amendment of the Mysore Village Courts Regulation, VII of 1913

Auditors have to be given powers of inspection. The question of the amendment of the Regn will be taken up separately if permission is granted

Init S.S. 1/12/17

2) ? yes. This may be done

Init M.K. 31/12/17.

x x x

Subd. for orders as to whether the file may now be given to Legn section for taking further action with reference to the last sentence of the Asst Secy's note dt 1/12/17

Init A.S.
26/1/18

14) May be considered at a
Meeting of Council

C. S. Balasundaram Iyer
887

~~Accounts~~

15) 1907

30/3/08

(8/30)

Extract from the Proceedings of the 449th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 2nd May *19* 18

2. Subject.-Clause ii of the Schedule.

Proposals to amend the Mysore Village Courts Regulation, 1913.

OPINION OF THE COUNCIL.

16/ The bill may be placed before the Legislative Council.

G. R. S. III-2]

General and Revenue Secretariat. | Legs File No. 35 of 1917-18

Serial No.

17) To the Assistant Secretary, Branch III

for kindly submitting the file to the First Membe of Council with a draft Final Note.

C.P. Ramaswamy Iyer
3/5/18
(55)

16)
Sub. with a d.f.n. and d.s.n.
S.V.S
7/5/18

15) In favour of kind approval
S. Srinivasa Iyer
8/5

~~First Member~~

2) Cobbold
Veerasamaraja Urs
8/5

Fair final note typed by the 1st member is put up
8/5/18

Final Note by the First Member of Council

Subject:—
Amendment of the Mysore Village Courts Regulation, 1913.

10) In August 1916 the Chief Court suggested the desirability of directing the District Officers of the Revenue Department to regularly inspect the Village courts within the local limits of their jurisdiction. The Revenue Commissioner who was consulted in the matter is of opinion that a rule may be made that the Amildar should inspect every village court in his taluk at least once in 6 months and the Sub Division Officer at least once a year. But under the Regulation inspections can be made only by a Munsiff or a District Judge or a Deputy Commissioner. It has therefore to be suitably altered to provide for inspection by other officers.

11) Again in December 1916 the District Judge of Mysore raised the question (through the Chief Court) as to the kind of paper to be used for granting copies to the parties under the Mysore Village courts Regulation and the scale of fees to be levied and the Chief Court suggested that the copying rules of the Revenue Department might be made applicable to the village courts. The Revenue Commissioner who was consulted also agrees with this proposal. But the Regulation does not empower Government to pass rules on the subject and therefore has to be amended.

12) A draft Bill prepared to give effect to these two proposals has been approved in Council and requires the gracious approval of His Highness the Maharaja for being placed before the Legislative Council.

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Proposal to amend the Mysore Villag

Courts Regulation, 1913.

1367

Order.

~~KRW~~

21/5/18

General and Revenue Secretariat.

Legis File No. 35 of 1917

Serial No. 76

1) Subd with a draft to the Residency

S.V.S

4/6/18

2) Secy

3 Sirmur...

No 4125 dated 12/6/18
From the P.A. Resident in Mysore

Informs that there is no prima facie objection to the Bill being placed before the Legis. Council

Subd. (for information) This Bill has been included in the draft agenda

18/6/18

18/6/18

General and Revenue Secretariat.

Legis File No. 38 of of 1917.

Serial No.

3

I have suggested Monday 28th inst. for the sitting of the Select Committee Report on the Steam Boilers & Prime Movers Act & I wonder if the sitting of the Special Committee for the bill can also be fixed for the same day. This being a shorter one, the sitting may begin with it at 12 noon. The Asst Secy.-Justice may see me about this if he feels any doubt in the matter before issue of the usual notices.

Bell
11.12.16

4

Since writing the above yesterday I have learnt that I have no locus standi in the matter & that it would be technically incorrect therefore for me to preside at the sitting of this Select Committee Order of Sirdar Kantaraj Urs who is the member responsible for the introduction of the Bill & is also in charge of it as such may be obtained on his return from leave further action taken accordingly

G.R.S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Legis 35-47 re Amendment of the Mysore Village Courts Regn.

1) The file is submitted to the Asst Secy for orders as to the action, if any, to be taken now.

Asst
28/1

2) The First Member of Council having ordered that a formal motion for substituting his name for that of Mr Kantaraj Urs (in the Select Committee) should be made at a meeting of the Legve Council (x) and that effect has been added in the agenda for the meeting to be held on the 21st instant.

Asst
17/3 — The file may perhaps be submitted to the First Member for perusal

Asst
21/3 — 3) Subd for perusal

I Member

D M.

G. R. S. III-2]

General and Revenue Secretariat. | Leg. File No. H 35 of 191 ?

Serial No.

4) The motion referred to having been carried at the last meeting, the file is submitted for orders as to the date of meeting of the Select Committee

AM 1/4

9) Please put up draft to Govt. Secy

2923

G. R. S. III-2]

General and Revenue Secretariat.	Legis File No. 38 of 1917

Serial No.

14) Subd with the draft already put up added to in accordance with the Member's order

AAR 3/7

15) Geo. Bruce Jones 14/7/19

To the Members of the Select Cttee

No. 8-11/Lc dt 4.7.19

States that the Select Cttee meeting to consider the Village Courts Regn Amendment Bill will be held at 3. pm on Saturday the 19th July 1919

2923

G. R. S. III-2]

General and Revenue Secretariat. | Legislative File No. 35 of 1917

Serial No.

19) The H'ble Mr. Ang would like the letter for various reasons. In the interest the members of the Select Committee might be informed that the meeting will not take place on the 19th Inst. & that separate intimation will be given later on the date for which it is to be fixed.

15.2.17

20) Submitted with draft.
A.A.
16/2

21) Issue at once
A.A.

General and Revenue Secretaria

Legis File No. 35 of 1917

Serial No.

Govt Advocate maybe requested under Rule 43, to be present at the meeting

ASL 29/5

(5) Please put up the correspondence rules in Madras & Bombay

DM 10/5/18

Subd: 9/5

The Legislative Council manuals of Madras and Bombay are put up. Reference is invited to pages 93 and 199 respectively of the two books

ASL 8/8

31) I do not hesitate to send you
[illegible] as a member of the
Select Committee on Foreign Affairs
[illegible] I am not in the
Select Committee as I have on
any I cannot suggest that Prince
[illegible] Rev. — Richard — may be
put in his committee on Foreign Affairs
if it is considered desirable

Yours
[illegible]

93) I do not think that under the rules that is necessary. Mr. Kirkwood's report was then approved by the Council and the Chairman of the Council does not have to appoint them from serving on the Committee mentioned in 2 depends to his motion. There is no objection to the motion being made at the next meeting of the Legislative Council.

A representation was made at the last meeting of the Representatives asking for amendment 2 that it be made a requirement that in a Village Municipal Council as after a definite number of the Territorial Councils of the Village Council - then may [illegible] to vote by ballot the amendment may be taken up along with the will —

has to be framed for the purpose and the usual formalities observed

ADC 2118 97) yrs ADfb Bill meant... kindly pursue D.M. 25/8

98) Subject Motion for substituting the name of Mr Chandy for that of Mr K. R Sreenivasa Iyengar and that of Mr Shankaranarayana Rao for that of Mr Dora Dyer (was passed in the S.C.) at the meeting of the Legislative Council on the 29th Oct

~~The election of members to the Select Committee, Mr Chandy, Mr Shankaranarayana~~

The term of the present members is to expire by the end of this month It is not certain as, after the re-constitution of the ~~Select committee~~ Legislative Council the present constitution of the select committee will remain in fact the date of its meeting

923 W 21

Legislative File No. 35 of 1917.

will therefore have to be decided after the reconstitution of the Council

Ordered for orders

30/10/19 Appl 30/10/ 84) No file will be put up for orders after the constitution of the new Council.

D. W. 6/11

11 Member Mehta

6/11 Mano publish after the matter is cancelled D. W. 10/11

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legislative File No. 12 of 1919.

Serial No.

Council. The others are in the council Submd for orders whether a new motion re-appointing the Select Committee is necessary or not-

86
23/2
1000
28/2

(2) Since the whole Council has been re-constituted it seems desirable to include a new motion in the Agenda for appointing the Select Committee.

The old Council ceased to exist from 1st Nov. 1919, and the Committee appd by it has perhaps to be treated as no longer existing.

Submd for orders
D. M.
26/2

Chief Secy.
III Member

CBK
27/2/20
D. M.
27/2

I am not quite sure whether the former members of the Select Committee should be treated as functus officio by reason of the dissolution of the Legislative Council. However the matter can be settled when a new Committee may be appointed

G. R. S. III-2]

923

General and Revenue Secretariat.

Legs File No. 35 of 1917

Serial No.

Draft notice of the meeting
to the members of the I C S
Sd for approval

Sd/- Mr Shankaranarayana Rao having ceased to be the Govt Advocate
his address in the notice of the meeting has
to be sent to them He continues however to be a member
of the Legl Council, and his resignation is
received accepted

Addr
Sd/-

Send with a draft Report of the S.C. If appd, it will be circulated among the S.C members & may perhaps be sent to him & Swamiji also as it is usual to do so.

D.M.
1/2/14

If 14 members draft Report must be appd

21/2

Subd. The report was approved by all the members of the committee. Mr. C. S. Doramaraj Iyer draws attention to the decision to define the term "Revenue Officer" and that was deleted by the Chairman in the draft report.

Subd. with a draft note for publishing the report.

26/7/14

has now been obtained
Submitted with the usual draft.

30 Sig A.S.R
26/5
for
M/S

26/ Issue the Bill with
Report to be carefully examined by the
Sub Committee

D Mahadevappa
1/6

30 Resubmitted

→ A copy of the Bill as amended by the Select Committee is prepared & submitted. It seems necessary to send copies of this also the Residency & approved draft in the file will be issued with the additions now made in pencil

To

The H. A. Resident in Mysore

No. Pol. 14 Dt 3rd July 1920

Forwarding 2 copies of the bill further to amend the Mysore Village Courts Regn with a report on the Select Committee requesting sanction of the Govt of India to pass the bill as amended by the Select Committee into law

1/ The Bill was finally passed on the 22nd Nov 1920

2/ H.H.'s sanction has now to be obtained for promulgating the Bill into law

3/ Submitted to H.H.

24/11/20 Please put up a copy of the Bill

1/ Copy of Bill submitted

30/11

Submitted to His Highness.

***

I submit herewith a Final Note by the Third Member of Council on the subject of promulgating the Bill further to amend the Mysore Village Courts Regulation, 1913, into law for His Highness' gracious approval.

9th Dec. 1920.

2445

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation of the Bill further to amend the Mysore Village Courts Regulation of 1913, into law.

688

45)

Order.

~~KRW~~

16/12/20

G. R. S. III-21

General and Revenue Secretariat.

Legs. File No. 35 of 1917.

Serial No.

46) Send with draft order promulgating the bill into law.

SC
30/11/17
ADC
3/11

47) Issue. Mrs Sastri are please examine the Regs once more

D. Madhavaraya
SC/30/11/17

48) The Bill as amended has been examined again with reference to the Select Committee's Report.

49) The wording of the clauses may kindly be gone into once more before issue. The Bill may also be kindly initialled to show that it has been approved.

50) Four copies are also put up

Submitted
ADC
12/1

51) Yes. Approved & revised. Please see that the proofs are carefully revised.

D. Madhavaraya
12/1

Section Legn
File No. 38-(7)
Serial No. 1

Pol No. 1151 Dated 8.6-6-18

The 7 A Resident
in Mysore, Bangalore

Sir

I am directed to 8+1
forward herewith a
copy of the Bill further
to amend the Mysore
Village Courts Regn, 1913.
The Statement of Objects
and reasons ~~explaining~~ accom-
panying the Bill explains
the scope and Objects of

the Bill The Bill will
be placed before
the Legislature Cerrent
in due course

I have &c

SB 4/6 1
For Chief Secy to

Bill further to amend the Mysore Village Courts Regulation, 1913

Whereas it is expedient further to amend the Mysore Village Courts Regulation, 1913 His Highness the Maharaja is pleased to enact as - - follows:--

1. Section 75 shall be numbered as sub section (1) of Section 75;

the second sentence thereof viz. "The District Judge or the Deputy Commissioner or the Munsiff may at any time call for and inspect the registers and records of village Courts" together with the marginal note thereto shall be omitted , and

the following new sub-section shall be added to section 75 as sub-section (2)

(2) The District Judge, the Munsiff and the Deputy Commissioner or any Revenue officer the District not below the rank of Amildar, if authorised generally or specially by the Deputy Commissioner in this behalf may at any time call for and inspect the registers and records of village courts".

2. At the end add the following new chapter and section:--

Chapter VIII.

Power to make rules.

17 (1) Government may make rules to carry out the purposes and objects of this Regulation.

(2) In particular and without prejudice the generality of the foregoing power such rules may provide for and regulate

(a) The appointment of village Munsiffs and members of a Bench under Sections 4 and 6;

(b) The procedure to be followed by Village Courts;

(c) The service of process and execu - tion of decrees under Section 28.

(d) The grant of copies of decrees and other records

(e) The levy of fees for the service of process, execution of decrees, and grant of copies".

Under the Village Courts Regulation, 1913 inspection of Village Courts may be conducted either by the District Judge or by the Deputy Commissioner or the Munsiff. But it is deemed desirable that the inspection work may also be entrusted to the officers of the Revenue Department not below the rank of Amildars who may be generally or - - - specially deputed by the Deputy Commissioner in this behalf. The work can be conveniently done by them either when conducting the jamabandy or when touring in their jurisdiction. Hence ~~the~~ an amendment is proposed to Section 75 to achieve this object.

Further at present there is no power for Government to frame rules for supplying copies of decrees and other records in village courts or for the levy of fees for the purpose. Therefore a new section is proposed to be inserted at the end ~~figure~~ to empower Government to frame rules for these and for such other matters.

Pol. 1802
14. 6. 1918

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

DIARY No. 12923

To

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

Pol.
35-17
2

Dated Bangalore, 12 June 1918.

GEN. & REV. SECRETARIAT
III
JUDICIAL
14 JUN 1918

SIR,

With reference to your letter No. Pol. 1151, dated the 6th June 1918, forwarding a copy of a bill to amend the Mysore Village Courts Regulation 1913, I am directed to state that the Hon ble the Resident sees no prima facie objection to the bill being laid before the Legislative Council.

2. I am to add that it will require the consent of the Government of India before it is passed into law.

G. R. S. VI—S-III/13]

DRAFT Office of the Secretary Mysore Legislative Council

SUBJECT Public Notice the Bill further to amend the Mysore Village Courts Bill 1913

Section. Legis-Cl
File No. 12-17
Serial No.

No. 493

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191*

NOTIFICATION.

Under Rule [31] of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Village Courts Bill, 1913, is published for general information with the statement of objects and reasons.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

191

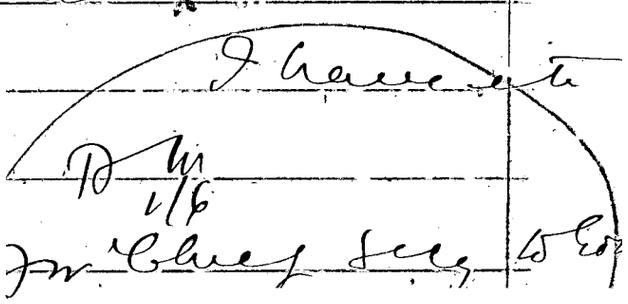
Section Legn
File No. 357-17
Serial No. 3

No. Pol 14 Encl 1, dy 3-7-20

Date of issue 3rd July 1920 To The F. A. Resident

Signed by M C S B Iyer (Sr)

Legislature Council ~~on~~ held
on the 19th May 1920 and
to request that the
Sanction of the Govt
of India may kindly
be obtained to pass
the Bill as amended
by the Select Council
into law.



NOTIFICATION.

No. 545—L. C., dated 27th April 1920.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill further to amend the Village Courts Regulation, 1913, is published for general information.

By Order,
P. MAHADEVAYYA,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill further to amend the Village Courts Regulation, 1913.

We, the members of the Select Committee appointed to consider the above Bill, have the honor to submit the following report:—

Clause 1.—Since the two sentences comprising Section 75 as it stands at present have no connection with each other, it is considered that the first sentence relating to the power of the Chief Court to prescribe forms may form a separate section by itself, *viz.*, Section 75.

The second sentence may go into a new Section 75 A and form sub-section (1) thereof. To provide for the inspection of the Village Courts by the Subordinate Revenue Officers, a new clause may be added as sub-section (2) making it competent to the Deputy Commissioner to authorise the Revenue Officers not below the rank of Amildars to inspect the Courts. The reason for our splitting up the provision suggested in the Bill is that it does not seem to be expedient to authorise the subordinate Revenue Officers to call for the registers and records as in the case of the District Judge, the Munsiff and the Deputy Commissioner, and that it is necessary and sufficient to empower them to inspect the registers and records on the spot.

As thus amended Section 75 and the new Section 75A will stand as follows:—

"75. The Chief Court may, from time to time, prescribe forms for use in Village Courts and the returns which they shall be bound to submit."

75A. (1) The District Judge or the Deputy Commissioner or the Munsiff may at any time call for and inspect the registers and records of Village Courts.

(2) It shall be competent to the Deputy Commissioner to authorise generally or specially any Revenue Officer not below the rank of Amildar to inspect the registers and records of Village Courts in his District."

NOTIFICATION.

No. 493—L. C., dated 13th July 1918.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Village Courts Regulation, 1913, is published for general information with the statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary to the Mysore Legislative Council.

Bill further to amend the Mysore Village Courts Regulation, 1913.

Whereas it is expedient further to amend the Mysore Village Courts Regulation, 1913; His Highness the Maharaja is pleased to enact as follows:—

1. Section 75 shall be numbered as sub-section (1) of section 75; the second sentence thereof, *viz.*, "The District Judge or the Deputy Commissioner or the Munsiff may at any time call for and inspect the registers and records of Village Courts" together with the marginal note thereto shall be omitted, and the following new sub-section shall be added to section 75 as sub-section (2).

(2) "The District Judge, the Munsiff, the Deputy Commissioner or any Revenue Officer of the District not below the rank of Amildar, if authorised generally or specially by the Deputy Commissioner in this behalf may at any time call for and inspect the registers and records of Village Courts."

Inspection of registers and records.

2. At the end add the following new chapter and section.

"Chapter VIII."

"*Power to make rules.*"

"77 (1) Government may make rules to carry out the purposes and objects of this Regulation.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for and regulate—

(*a*) The appointment of Village Munsiffs and members of a Bench under sections 4 and 6;

(*b*) The procedure to be followed by Village Courts.

(*c*) The service of process and execution of decrees under section 28.

(*d*) The grant of copies of decrees and other records.

(*e*) The levy of fees for the service of process, execution of decrees, and grant

Whereas it is expedient further to amend the Mysore Village Courts Regulation, 1913; His Highness the Maharaja is pleased to enact as follows :

Amendment of Sec. 75 and addition of a new section.

1. The second sentence of Section 75 shall form Sub Section (1) of a new Section 75A as follows :--

"75A. (1) The District Judge or the Deputy Commissioner or the Munsiff may at any time call for and inspect the registers and records of Village Courts."

2. The following shall be added as Sub Section (2) of Section 75A:--

"(2) It shall be competent to the Deputy Commissioner to authorise generally or specially any Revenue Officer not below the rank of an Amildar to inspect the registers and records of Village Courts in his District."

3. At the end add the following new chapter and section.

"Chapter VII"

"Power to make rules"

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 12th August *1920.*

With reference to your letter No. Pol.14, dated the 31st July 1920, forwarding a Bill further to amend the Mysore Village Courts Regulation, VII of 1913, I am directed to state that the Governor-General in Council is pleased to accord his consent to the Bill on the understanding that he retains over it the power and authority which vest in him by virtue of Article 18 of the Treaty, dated the 26th November 1913.

Section. Legs
File No. 35-17
Serial No. 5

Proceedings of the Government of
H. H. the Maharaja of Mysore.

Order No. G 13512(1)07 | 4-1-24
now Complete No 8

Ordered that the accompanying Regulation
entitled An to amend
the Mysore Village Courts
Regulation, 1913
which received the assent of His High-
ss the Maharaja, on the 6th Instant
of December 1923
published as Regulation No. IX
1923 in the *Mysore Gazette* for gene-
information.

D 14/1
S 1/1

for Rev *Secretary to Government.*

Secretary to the Mysore Legislative Council.

N of 1920

Bill further to amend the Mysore Village Courts Regulation, 1913

Whereas it is expedient further to amend the Mysore Village Courts Regulation, 1913; His Highness the Maharaja is pleased to enact as follows:—

1. Section 75 shall be numbered as sub-section (1) of section 75; the second sentence thereof, *viz.*, "The District Judge or the Deputy Commissioner or the Munsiff may at any time call for and inspect the registers and records of Village Courts" together with the marginal note thereto shall be omitted, and the following new sub-section shall be added to section 75 as sub-section (2).

(2) "The District Judge, the Munsiff, the Deputy Commissioner or any Revenue Officer of the District not below the rank of Amildar, if authorised generally or specially by the Deputy Commissioner in this behalf may at any time call for and inspect the registers and records of Village Courts."

Inspection of registers and records.

3. At the end add the following new chapter and section.

(Received the assent of His Highness the Maharaja on the sixteenth day of December 1920.)

Whereas it is expedient further to amend the Mysor llage Courts Regulation, 1913 His Highness the Maharaja i ased to enact as follows:—

1 The second sentence of Section 75 shall form Sub-ction (1) of a new Section 75A as follows:—

"75A. (1) The District Judge or the Deputy Commissioner the Munsiff may at any time call for and inspect the registers d records of Village Courts"

2. The following shall be added as Sub-Section (2) of ction 75A:—

(2) It shall be competent to the Deputy Commissioner to thorise generally or specially any Revenue Officer not below e rank of an Amildar to inspect the registers and records of llage Courts in his district

3. At the end add the following new chapter and section:—